

**REMARKS**

**Claim Objection:**

The Examiner has objected to claim 28 because of a typographical error. Applicant has amended claim 28 as shown in the attached Appendix, and hereby submits that the Examiner's concern with regard to this claim has been addressed.

**Allowable Subject Matter:**

Applicant sincerely thanks the Examiner for indicating that claims 2-18, 21 and 25-27 have been allowed, and that although claims 32 and 35 have been objected to, they would be allowable if written in independent form.

**Claim Rejections:**

Claims 2-18 and 21-57 are all of the claims that have been examined in the present application, and currently claims 22-24, 28-31, 33-34 and 36-57 stand rejected.

***35 U.S.C. § 112, 1<sup>st</sup> Paragraph Rejection – Claims 23 and 44-57:***

The Examiner has rejected claims 23 and 44-57 under 35 U.S.C. § 112, 1<sup>st</sup> paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one of ordinary skill in the art that the Applicant was in possession of the invention at the time the application was filed. Specifically, the Examiner notes that the use of the language "will or will not be met" is not disclosed in the application. The Examiner states that the present invention discloses estimating whether a criterion "would or would not have" been met by the operation of the power control algorithm.

Although Applicant disagrees with the Examiner with regard to the above rejection, Applicant has taken the path of least resistance and has amended claim 23 as shown in the

attached Appendix. Applicant submits that the amendment to claim 23 adequately addresses the Examiner's concerns with regard to claim 23, and hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 112, 1<sup>st</sup> paragraph rejection of this claim.

Further, as claims 44-57 depend on claim 23, Applicant submits that these claims are also now in allowable condition.

***35 U.S.C. § 102(e) Rejection – Claims 22, 24, 28-31, 34 and 38-42:***

The Examiner is continuing to reject claims 22, 24, 28-31, 34 and 38-42 under 35 U.S.C. § 102(e) as being anticipated by the Vembu reference.

Applicant notes that claims 22 and 24 have been cancelled without prejudice or disclaimer.

Further, Applicant notes that claim 28 has been written in independent form, and claims 29-31 and 38-42 have been amended to depend on claim 28.

With regard to claim 28, the Examiner admits that Vembu discloses using only "closed loop algorithms" in its system. *See* Office Action dated August 15, 2002, page 3. Claim 28 recites, *inter alia*, that the de-activation is controlled by a different type of algorithm than that used for the power control algorithm, and that these algorithms are from a group comprising closed and open loop algorithms. Therefore, in the present invention as recited in claim 28, if one algorithm is of a closed loop type then the other must be an open loop type, and vice-versa. As admitted by the Examiner, this is not the case in Vembu, as they are both closed loop algorithms.

In view of the above discussion, Applicant submits that Vembu fails to disclose, teach or suggest, each and every feature of the claimed invention, as set forth in claim 28, and hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 102(e) rejection of claim 28. Further, as claims 29-31, 34 and 38-42 depend on this claim, Applicant submits that these claims are also allowable, at least by reason of their dependence.

***35 U.S.C. § 103(a) Rejection - Claims 33, 36 and 37:***

Claims 33, 36 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vembu. As these claims depend on claim 28, either directly or indirectly, Applicant submits that these claims are also allowable, at least by reason of their dependence.

**Conclusion:**

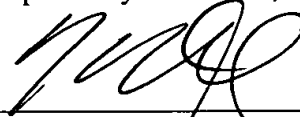
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMNET UNDER 37 C.F.R. § 1.111  
U.S. Application No. 09/287,264

Our Ref. Q53917  
Art Unit: 2682

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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PATENT TRADEMARK OFFICE

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**APPENDIX**  
**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Claims 22 and 24 have been cancelled.

The claims are amended as follows:

23. (Twice Amended) A method for improving performances of a mobile radiocommunication system using a power control algorithm, said method comprising:  
~~regularly estimating whether a criterion will or will not be met by the operation of said power control algorithm~~  
estimating whether a criterion is met as to whether said power control algorithm should better not be performed, and  
not performing any power control algorithm in accordance with a result of said estimating step.

28. (Amended) A method for improving performances of a mobile radiocommunication system using a power control algorithm, said method comprising:  
regularly estimating if a criterion is met as to whether said power control algorithm should better be de-activated; and  
de-activating said power control algorithm if said criterion is met,  
wherein said de-activation includes performing a different type of algorithm than said power control algorithm.~~A method according to claim 22,~~  
wherein said algorithm and said other algorithm are chosen in a group comprising ~~closed~~closed-loop power control algorithms and open-loop power control algorithms.

29. (Amended) A method according to claim 2228, comprising:

- regularly estimating if a criterion is met as to whether said power control algorithm should better be de-activated, when activated, or activated, when de-activated,
- de-activating, or activating, said power control algorithm if the corresponding criterion is met.

30. (Amended) A method according to claim 2228, wherein provision is made not to de-activate, or activate, said algorithm too frequently.

31. (Amended) A method according to claim 2228, wherein said estimation as to whether said criterion is met is based on an estimation of a deviation value, representative of a deviation between an estimated transmission quality and a target transmission quality.

36. (Amended) A method according to claim 2228, wherein said method is performed in the uplink transmission direction of said mobile radiocommunication system.

37. (Amended) A method according to claim 2228, wherein said method is performed in the downlink transmission direction of said mobile radiocommunication system.

38. (Amended) A method according to claim 2228, wherein said mobile radiocommunication system is of CDMA type.

39. (Amended) A mobile radiocommunication network entity, comprising, for performing a method according to claim 2228, in the uplink transmission direction of a mobile radiocommunication system:

- means for performing said method,
- means for sending corresponding power control commands to a mobile station.

40. (Amended) A mobile station, comprising, for performing a method according claim 2228, in the uplink transmission direction of a mobile radiocommunication system:

- means for receiving power control commands from a mobile radiocommunication network entity, according to said method.

41. (Amended) A mobile station, comprising, for performing a method according to claim 2228, in the downlink transmission direction of a mobile radiocommunication system:

- means for performing said method,
- means for sending corresponding power control commands to a mobile  
radiocommunication network entity.

42. (Amended) A mobile radiocommunication network entity, comprising, for  
performing a method according to claim ~~22~~28, in the downlink transmission direction of  
a mobile radiocommunication system:

- means for receiving power control commands from a mobile station, according  
to said method.